

§ 18.7

applicant shall furnish MSHA with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a hose or conveyor belt, the applicant shall furnish samples as follows:

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see Figure 3 in Appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see Figure 4 in Appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to MSHA for approval or certification.

(l) MSHA will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence, specifications, lettering on drawings (metric-system dimensions acceptable), instructions, and related information are in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 57 FR 61223, Dec. 23, 1992; 60 FR 33723, June 29, 1995; 60 FR 35693, July 11, 1995; 68 FR 36419, June 17, 2003]

§ 18.7 [Reserved]

§ 18.8 Date for conducting investigation and tests.

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the require-

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ments, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a hose or conveyor belt, only MSHA personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The MSHA will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analysis of materials or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by MSHA.

(c) MSHA reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to MSHA, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

[33 FR 4660, Mar. 19, 1968; 33 FR 6345, Apr. 26, 1968, as amended at 57 FR 61223, Dec. 23, 1992]

§ 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, MSHA will issue to the applicant either a written notice